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Attorneys for Mr. Isaac Navarro-Lomeli

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE L. JAMES LORENZ)

UNITED STATES OF AMERICA,

Plaintiff,

v.

ISAAC NAVARRO-LOMELI,

Defendant.

Case No. 08CR0091-L

DATE: June 9, 2008

TIME: 10:00 a.m.

NOTICE OF MOTIONS IN LIMINE AND
MOTIONS IN LIMINE:

- 1) EXCLUDE EXPERT TESTIMONY ON THE STREET VALUE OF MARIJUANA;
- 2) EXCLUDE EXPERT TESTIMONY ABOUT THE STRUCTURE OF DRUG ORGANIZATIONS;
- 3) EXCLUDE EVIDENCE OF ALLEGED "NERVOUSNESS" BY DEFENDANT;
- 4) EXCLUDE ACTUAL BAGS OF MARIJUANA FROM THE COURTROOM;
- 5) PREVENT A COPY OF THE INDICTMENT FROM BEING SUBMITTED DURING DELIBERATIONS;
- 6) EXCLUDE ANY 404(B) OR 609 EVIDENCE AS IMPROPER NOTICE HAS BEEN GIVEN;
- 7) EXCLUDE EVIDENCE OF "MUG SHOT" PHOTOS;
- 8) EXCLUDE POVERTY EVIDENCE;
- 9) PROHIBIT VOUCHING BY PROSECUTION;
- AND
- 10) ALLOW ATTORNEY-CONDUCTED VOIR DIRE.
- 11) EXCLUDE MR. NAVARRO-LOMELI'S VIDEOTAPED STATEMENTS BECAUSE ITS ADMISSION VIOLATES THE CONFRONTATION CLAUSE AND INVADES THE PROVINCE OF THE JURY.
- 12) PREVENT THE GOVERNMENT FROM PRESENTING FRAGMENTED PORTIONS OF MR. NAVARRO-LOMELI'S POST-ARREST STATEMENTS OUT OF CONTEXT

1 TO: KAREN P. HEWITT, UNITED STATES ATTORNEY
2 AARON B. CLARK, ASSISTANT UNITED STATES ATTORNEY

3 PLEASE TAKE NOTICE that on June 9, 2008 at 10:00 a.m. or as soon thereafter as counsel may
4 be heard, Isaac Navarro-Lomeli, by and through counsel, Robert R. Henssler Jr., and Federal Defenders of
5 San Diego, Inc., will ask this Court to enter an order granting the following motions in limine.

6 **MOTIONS**

7 Isaac Navarro-Lomeli, by and through counsel, Robert R. Henssler Jr., and Federal Defenders of San
8 Diego, Inc., pursuant to the United States Constitution, the Federal Rules of Criminal Procedure, and all other
9 applicable statutes, case law and local rules, hereby moves this Court for an order to:

- 10 1) Exclude Expert Testimony on the Street Value of Marijuana;
- 11 2) Exclude Expert Testimony about the Structure of Drug Organizations;
- 12 3) Exclude Evidence of Alleged "Nervousness" by Defendant;
- 13 4) Exclude Actual Bags of Marijuana from the Courtroom;
- 14 5) Prevent a Copy of the Indictment from Being Submitted During Deliberations;
- 15 6) Exclude Any 404(b) or 609 Evidence as Improper Notice Has Been Given;
- 16 7) Exclude Evidence of "Mug Shot" Photos;
- 17 8) Exclude Poverty Evidence;
- 18 9) Prohibit Vouching by Prosecution; and
- 19 10) Allow Attorney-conducted Voir Dire.
- 20 11) Exclude Mr. Navarro-Lomeli's Videotaped Statements Because its Admission Violates the
- 21 Confrontation Clause and Invades the Province of the Jury.
- 22 12) Prevent the Government from Presenting Fragmented Portions of Mr. Navarro-Lomeli's Post-
- 23 arrest Statements out of Context

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1 These motions are based upon the instant motions and notice of motions, the attached statement of
2 facts and memorandum of points and authorities, and all other materials that may come to this Court's
3 attention at the time of the hearing on these motions.

4 Respectfully submitted,

5 */s/ Robert R. Henssler, Jr.*

6 Dated: May 23, 2008

7 **ROBERT R. HENSSLER JR.**
8 Federal Defenders of San Diego, Inc.
9 Attorneys for Mr. Navarro-Lomeli
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CERTIFICATE OF SERVICE

Counsel for Defendant certifies that the foregoing pleading is true and accurate to the best of his information and belief, and that a copy of the foregoing document has been served this day upon:

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Dated: May 29, 2008

/s/ Robert R. Henssler
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